

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL, HELD ON DECEMBER 7, 2011 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE.

Mayor and Council Members Present: Mayor Brent Marshall and Council Members Mike Colson, Mike Johnson, Tom Tripp, James Vera and Todd Castagno.

Appointed Officers and Employees Present: City Attorney Ronald Elton and City Recorder Rachel Wright.

Citizens and Guests Present: Sheldon Riches, Kent Liddiard, Scott Stice, Colleen Brunson, Jose Ramos, Gary Bleazard, Joel Linares and Matt Millis.

Mayor Marshall asked Todd Castagno to lead the audience in the Pledge of Allegiance.

AGENDA:

1. Summary Action Items:

- a. Approval of Minutes of the November 16, 2011 City Council Meeting.
- b. Approval of Bills in the sum of \$373,586.45.
- c. Personnel Matters: amendment of the Chief of Police job description.

Mayor Marshall announced that he is reviewing all the department head job descriptions. He stated that under personnel matters he had an updated job description for the Chief of Police position. He stated that the new job description included the addition of grant writing and increased the length of law enforcement experience and supervisory experience as qualifications for this position.

Motion: Councilman Johnson made a motion to approve the summary action items. Councilman Vera seconded the motion. All voted in favor and the motion carried.

2. Funding for Shop with a Cop Program.

Mayor Marshall stated that employees have a benefit option to participate in a cafeteria plan where money is deducted from their paychecks before taxes are taken out that can be used for medical expenses. He commented that the City received a check for \$659.69 for these funds that were unused by City employees. He stated that the employees are aware that if they do not use this money that they do not get it back. He stated the money typically is put into the general fund. He suggested using the funds for the Shop with a Cop Program which helps underprivileged children get Christmas gifts. Councilman Tripp inquired that if legally the City can give the money to the program without having a public hearing. Attorney Ron Elton stated that since this program is sponsored by the City it does not require a public hearing.

Motion: Councilman Castagno made a motion to authorize designating \$659.69 that was received from the Flex Check Cafeteria Plan to the City Sponsored Shop with a Cop Program. Councilman Vera seconded the motion. All voted in favor and the motion carried.

3. Consideration of Lease of City Concession Stand at Cherry Street Park. (Jose Ramos-Taco Man).

Jose Ramos was present. Mayor Marshall commented that the building Mr. Ramos is currently using for his Restaurant, Taco Man, has been sold. Mr. Ramos asked the City Council to consider leasing the City's Cherry Street Park concession stand for one year with the option of renewing for \$300.00 a month. He stated that he would like to use the concession stand to prepare his food that he serves in his taco cart and to serve food at local events. Mayor Marshall stated that the Tooele County Board of Health checked the concession stand at the rodeo grounds, but it would not pass inspection. He stated that they also checked the concession stand at the Cherry Street Park and they did indicate that it would pass inspection with it being cleaned and painted.

Gary Bleazard was present representing the little league baseball association. He stated that he understood that the little league is using the City facilities with permission from the City. He stated that their use of the concession stand is a service that helps provide funding for the little league. He stated that they do not have the ability to say whether or not the City leases the concession stand to Mr. Ramos. He stated that as a citizen he has some concerns with the City leasing out any of its facilities. He remarked that it would set a precedent for future uses of City property. He commented that if the City does decide to lease any of the facilities a fair rent needs to be obtained. He stated that \$300.00 seems low for use of the concession stand. He recommended the City getting a rent payment and credit history from the applicant. Mayor Marshall asked when the baseball season starts. Mr. Bleazard remarked that it starts in April and goes until June. He stated they will make adjustments as needed if the City decides to lease the concession stand. He stated that the league does have several hundred dollars worth of equipment in the concession stand that they would need to secure. Councilman Johnson asked if the league had made a decision whether they wanted to run the concession stand during the next baseball season. He stated that in his opinion the little league should have priority for the use of the facilities. Mr. Bleazard stated that the league has had many discussions in the past whether or not operating the concession stand was worth their time. He stated that the revenue in the past two years has been approximately \$15,000.00 with a profit of \$3,500.00 per year. He stated that it is a lot of money for the league. He stated that if the City does decide to lease the concession stand and allow the new business to sell food for league events, they would ask for \$2,500.00 from the business and that if they had revenue over \$15,000.00 a year, the league would get a percentage of the sales. Councilman elect Stice stated that he had been part of the baseball little league in the past and \$3,500.00 in profit was very close to what they had made previously in a year. Councilman Castagno asked when the league used the concession stand. Mr. Bleazard stated from approximately 3:00 p.m. until around 9:00 p.m. Mr. Ramos stated that he would just need the concession stand in the morning and could be out before the games. Councilman Johnson asked if the City considered leasing the building if the City needs to solicit bids. Attorney Elton stated that there were no legal requirements to bid out the use, but that he has always recommended that any use of City facilities be bid out. Mayor Marshall asked Mr. Ramos how much he paid for renting a space at the Tooele County Deseret Peak Complex to prepare his food. Mr. Ramos stated \$200.00 a month. Councilman Tripp asked what would happen if a restaurant asked to lease out the kitchen area in the fire station. Mayor Marshall stated the fire station does not have commercial equipment that would be required for a restaurant to use. Councilman Johnson stated that he would not like to enter into a long-term lease until the City gets something firm in place with the baseball league. He stated that he still feels that the lease should be put out for bid. Councilman Colson agreed that he thinks it should be a temporary situation. Mr. Bleazard stated that \$3,500.00 is a large amount of money to ask to be compensated, but it is funding that they rely on to operate. Councilman Johnson suggested

offering Mr. Ramos a three month lease, which would give him time to look for a long term arrangement. Councilman Vera stated that three months is a good time frame for the current circumstances, which would give the City time to consider the needs of the little league programs at which time the City could review the matter. Mr. Ramos stated that three months would work for him and it would give him some time to review his options. Attorney Elton stated that liability insurance should be required as a condition of any lease. Councilman Johnson stated that Mr. Ramos will need to provide a heater for the facility. Councilman Colson also stated that the concession stand needs to be cleaned up before it can be used. Mr. Bleazard stated that they did a deep cleaning of the concession stand at the end of the season. Councilman Colson stated that someone broke into the stand and sprayed a fire extinguisher in the building. Mr. Ramos stated that he would clean the concession stand before he used it. Councilman Colson asked if the lease should be three months with no option to relook at it or to make it three months and revisit the lease to see if it could be extended. Councilman Johnson suggested looking at the lease again in March. Councilman Johnson also suggested donating the rent money made from the lease of the concession stand to the baseball little league. Mr. Bleazard stated that they would appreciate the money, but suggested dividing the money between all spring sports. Councilman Castagno stated that there are costs of upkeep for the building that need to be considered. Attorney Elton suggested discussing the disbursement of proceeds from the lease at a later date.

Motion: Councilman Johnson made a motion to approve a lease agreement for the Cherry Street Park Concession Stand with Jose Ramos "The Taco Man" for \$300.00 a month from January 1, 2011 until March 31, 2011, with the following terms: That tenant provide his own heater, liability insurance covering the City, pay for all gas and power used in the facility and that the City cover all other utilities. Also that the Mayor be authorized to sign the lease agreement prepared by the City Attorney. Councilman Colson seconded the motion. All voted in favor and the motion carried.

4. Reconsideration of bids for impact fee facilities plans and impact fee studies.

Attorney Elton stated that last month the City Council reviewed request for proposals to update the City's capital facilities plans and impact fees. He commented that in preparing the contract it was discovered that Zion's Bank did not actual provide bids for the capital facilities plans and impact fee studies for storm drainage and roads. He stated that the City notified Zion's Bank that their bid was nonresponsive. He stated that Forsgren was the lowest bid that had met all the bid components, but the request for proposals asked for separate fees for each component, which no company complied with. Mayor Marshall suggested that the Council rebid this proposal and that the City include a form requiring each component of the bid to be itemized so the companies could fill in the blanks that they had met every bid requirement. He stated it would also help staff in reviewing the bids. Matt Millis was present representing Zion's Bank. Mayor Marshall asked Mr. Millis if the request for proposals was confusing or hard to understand. Mr. Millis stated that it did have a lot of elements. He stated he likes the idea of having a bid tabulation sheet. He suggested if the Council decides to rebid the project that they stipulate that the new bids not be lower than what was bid previous. Attorney Elton stated that he would need to review such a request. Mr. Elton suggested rejecting all the bids and rebidding the project. Councilman Tripp agreed that a form should be required in the request for proposals for the companies to fill in. Councilman Tripp stated that he is sensitive to what Mr. Millis had said. Mr. Millis stated that if elements were missed it would be adding elements not taking them away. Councilman Castagno stated that making the stipulation that bids cannot go lower would harm the other bidders that bid higher and

could be seen as benefiting the bidders that did not include all the information asked for in the request for proposals. Mayor Marshall stated that the City may want to give some time to rebid the projects.

Motion: Councilman Castagno made a motion to reject all of the previously received bids for an update to the City's capital facilities plans and impact fee studies and that this project be rebid out with a bid tabulation sheet covering each item requested. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

5. Mayor and Council Reports.

Mayor Marshall announced that he attended the library pre-bid meeting with contractors. He announced that he attended the Tooele County Commission meeting. He stated that the Santa Parade and lighting of the Christmas lights at Academy Square went well. He expressed appreciation to Councilman Vera for organizing the Santa Parade. Mayor Marshall announced that he attended a transportation meeting concerning a transportation study of services in the Tooele Valley dealing with senior issues as well as other individual issues. He stated that he met with the Utah Transit Authority along with Tooele City and Tooele County to discuss services that would like to be provided in Tooele Valley. He announced that he attended an honor victim's celebration to thank the first responders and celebrate the survival of victims of the 10th year anniversary regarding the Jimbo's incident that occurred on November 29th. Mayor Marshall stated that the annual Christmas party for the City employees went well and everyone had a good time. He commented that he attended the Tip a Cop program at Casa Del Rey in support of the Shop with a Cop Program that helps underprivileged children. He announced that he met with Mountain Vista Development along with City Attorney Ron Elton and City Recorder Rachel Wright to sign the settlement agreement. He stated that Bryan Bryner is going to file the Stipulated Dismissal and Order with the Court to dismiss the lawsuit. He stated that he attended a Community Health Improvement Plan meeting dealing with obesity and diabetes. He announced that he met with Martie Leo from Rocky Mountain Power about the library contracts. He stated that she suggested taking the option to make monthly payments because the actual usage could end up being less expensive. He stated the fee for running the power lines underground is not going to change because a portion of it is work that is done while the line is energized. He stated that he met with Supervisor of the Tooele Landfill, Robert Warner. Mayor Marshall stated Mr. Warner is asking to put some recycling boxes around Grantsville to reduce the amount of waste going into the landfill. Councilman Colson stated he would be interested in having one of these boxes located at the Grantsville Town Center.

Councilman Colson stated that he was contacted about a pothole in the road around 400 South. Mayor Marshall stated that he will ask the Public Works Department to address the problem.

Councilman Tripp suggested having a roster at the Christmas party so department heads would be able to recognize all of the City employees. He stated that the current Mosquito Abatement Board makeup will be determined in 2012. He stated that the term for the City representative will still be four years. Mayor Marshall stated that the appointment would be put on the agenda at the first meeting in January.

6. Personnel Matters (Closed Session).

Motion: Councilman Castagno made a motion to go into a closed session to discuss the character or professional competence of an individual and to invite Councilman Elect Scott Stice to join the closed session. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

Motion: Councilman Vera made a motion to go back into an open session. Councilman Colson seconded the motion. All voted in favor and the motion carried.

7. Consideration of appointment of City Attorney.

Mayor Marshall made a recommendation to hire Joel K. Linares as a Deputy City Attorney until December 31, 2011, with a salary of \$60,000.00 plus regular full time benefits. He also put the name of Joel K. Linares forward as his selection for City Attorney with this appointment to take effect on January 1, 2012 with the same salary to be confirmed after a public hearing.

Motion: Councilman Tripp made a motion to approve the hiring of Joel K. Linares as the Deputy City Attorney until December 31, 2011 at a salary of \$60,000.00, plus regular full time benefits and to approve the appointment of Joel K. Linares as the Grantsville City Attorney, which appointment will take effect on January 1, 2012. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

8. Adjourn.

Motion: Councilman Colson made a motion to adjourn. Councilman Vera seconded the motion. All voted in favor and the meeting officially adjourned at 8:55 p.m.